

HB 481

**IS DESIGNED
TO ELIMINATE**

WORKERS
COMPENSATION
DISCRIMINATION

**AMONG
PUBLIC SAFETY
VOLUNTEERS**

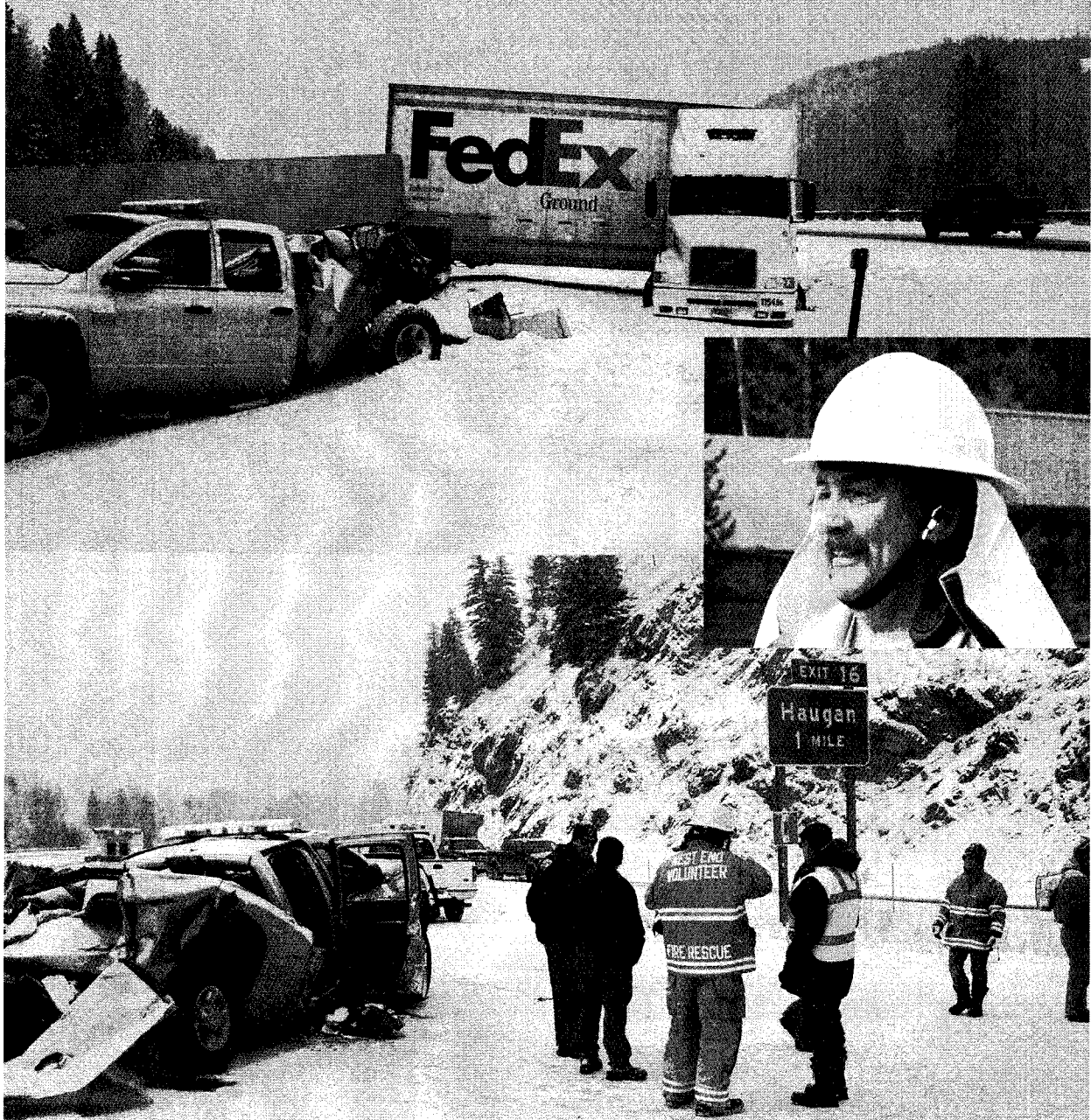


*I can think of no more stirring symbol
of man's humanity to man than
a fire engine.*

~Kurt Vonnegut

**Daddy, who will take care
of us if you are hurt while
helping someone else?**

It Does Happen...



Jerry Parrick a 15-year volunteer firefighter was manning a traffic safety zone and was killed on December 17, 2008, by an out-of-control FedEx double trailer rig while protecting other firefighters and EMTs who were in the process of rescuing a family of six whose vehicle had rolled-over on I-90.

Jerry was retired, except for odd-jobs, and would have received about \$19 per week in Workers' Compensation disability benefits if he had been disabled instead of killed.

Jerry was the loving father of three and a Marine Combat Veteran of Vietnam . May he rest in Peace.

Current Montana Problem:

Montana workers' compensation leaves many volunteer firefighters and EMTs totally unprotected if they are disabled in the Line of Duty.

Montana workers' compensation provides no effective disability income benefits to volunteer firefighters injured in the line of duty unless the volunteer is both:

- 1) Covered by workers' compensation by the volunteer fire organization and,
- 2) Is currently covered by workers' compensation by their "regular" employer.

So, even if your volunteer fire department pays for workers' compensation coverage, and you are self-employed, laid-off, between jobs, semi-retired, a homemaker with kids, on sabbatical, etc., Montana says:

Thanks for your all your service to mankind. See ya ...



Examples of Other States Taking Care of Their Own:

South Dakota: Volunteers are eligible for workers' compensation line-of-duty injuries. For the purposes of compensation, the volunteer is considered to be earning a wage that would entitle him or her to the maximum compensation allowed by the state.

Colorado: Employee definition includes all members of volunteer fire departments while they are performing duties as a volunteer and while engaged in organized drills, training, and practice necessary to perform their duties. The rate of compensation of persons accidentally killed or injured while serving as a volunteer firefighter shall be at the maximum rate.

Kansas: All medical expenses are paid for line of duty injury. Disabled volunteers receive 112.5% of the gross average weekly wage of Kansas workers. The current benefit is \$432 per week.

Nebraska: All fire departments are required to provide workers' compensation for volunteers. For volunteer firefighters, the amount is based on the wages earned in their regular employment. For those without regular employment, the amount is based on an assumed wage of 150% of the maximum compensation rate for total disability. Firefighters must be injured in the line of duty or en route to or from a fire call in order to qualify.

Wyoming: All fire departments are required to cover their firefighters for workers compensation through the Wyoming Department of Workforce Services. The amount of the monthly payment depends on the severity and permanence of the injury. The firefighters wages are assumed to be the statewide average wage for the twelve months preceding the injury.



Background:

Though Montana Law does not require volunteer fire chiefs or fire district trustees to purchase workers' compensation or other coverage to protect their volunteers when they are injured, disabled or killed, volunteer management does have a ***clear moral responsibility*** to protect their volunteers and their volunteers' families in the case of Line of Duty death or injury.

The injury problem, and moral responsibility, is especially acute when the volunteer receives a long term or permanent injury in the line of duty that reduces or completely destroys the volunteer's ability to earn a living or maintain his home and family.

To put this in perspective, just think of all the stuff that piled up that you were supposed to do, or needed to do, the last time you were really sick or injured...now what would you do if the problem lasted for years instead of days, while also losing your income?

Whether you lead, manage or recruit you have an inherent responsibility to take care of your troops when they incur a problem in the Line of Duty. The traditional way for an employer to take care of the injury problem is through workers' compensation.

Workers' compensation has been developed over that last 200 years or so starting with the Industrial Revolution in Europe, and became a significant part of the American scene over 100 years ago.



Volunteer Management needs the ability to:

- 1) Provide a reasonable and effective income benefit to a volunteer firefighter or EMT that is injured in the line of duty. Page 4 shows examples of what other states do for their volunteer firefighters, EMTs, etc.
- 2) Provide this benefit through the workers' compensation program in Montana, and insure the benefit through the State Fund.
- 3) Provide a benefit based on Montana's average weekly wage. This benefit would be about \$400 per week for an injured volunteer who was totally disabled under the workers' comp regulations.
- 4) Have fire districts/departments pay only for the hours of risk they actually use. In other words, we would pay the same way we currently do for volunteers: if a person shows up for 100 hours per year, we would pay for 100 hours of risk.
- 5) Adjust premium rates, if necessary, as long-term experience indicates.



Summer, Winter, Spring or Fall,
Day, Night, Snow, Rain, Wind, Fog or Ice
House Fire, Forest Fire, Car Crash, Extrication,
Search, Rescue, Hazmat, Traffic Control or Emergency Medical

If you want them there when you need them,
Then YOU must have the courage to do YOUR part to let them
protect themselves and their families.



*When fire is cried and danger is neigh,
"God and the firemen" is the people's cry;
But when 'tis out and all things righted,
God is forgotten and the firemen slighted.*

~Author unknown, from The Fireman's Journal, 18 Oct 1879

